

**ORDINANCE APPROVING A STATEMENT OF LAND USE PLAN CONSISTENCY, REASONABLENESS, AND PUBLIC INTEREST REGARDING A REZONING REQUEST (ZP-898-18) TO MODIFY A CONDITION FROM A PREVIOUSLY APPROVED (2000) CONDITIONAL USE REZONING CASE THAT CURRENTLY LIMITS THE IMPERVIOUS SURFACE COVERAGE ON THE SUBJECT PROPERTY TO 30% BY ALLOWING IT TO BE INCREASED TO 50% IN ORDER TO RESOLVE EXISTING ZONING VIOLATIONS AND TO ALLOW FOR A POSSIBLE FUTURE MODERATE EXPANSION OF USE WITHIN THE VACANT 20% OF THE EXISTING BUILDING.**

WHEREAS, the request is to modify a previously approved condition to increase the impervious surface limit from 30% to 50% of the lot area for the property located at 3252 Auburn Knightdale Road (PIN 1741275282); and

WHEREAS, the requested condition modification is needed to resolve existing zoning violations and to allow for a possible moderate expansion of use within the vacant 20% of the existing building; and

WHEREAS, all other previously approved rezoning conditions will be unchanged and will remain valid and in effect; and

WHEREAS, the requested condition modification, the existing and proposed continued zoning district, the existing and proposed continued uses, and the allowable range of possible uses, are consistent with the Wake County Land Use Plan's Neighborhood Activity Center designation, and would be reasonable, and appropriate, for the area; and

WHEREAS, the requested rezoning is consistent with the Neighborhood Activity Center allowance for small-scale urban land uses that are served by major thoroughfares and municipal water and sewer; and

WHEREAS, the requested rezoning is consistent with two of the stated goals of the Land Use Plan, more specifically:

- i. Goal # 2--To encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;
- ii. Goal # 3--To encourage the development of communities which provide for adequate land for anticipated demands, in a pattern which allows a mixture of uses; and

WHEREAS, the requested rezoning is reasonable, and in the public interest, because it would allow for resolution of existing zoning violations and a possible moderate expansion of use within the vacant 20% of the existing building, and continued provision of these convenience store services, gas sales and ATM to which the community has become accustomed; and

WHEREAS, the requested rezoning is reasonable and in the public interest because a new site plan review will be required to resolve the existing zoning violations or to allow for an expansion of use within the vacant portion of the building; and

WHEREAS, various provisions in the Wake County Unified Development Ordinance and the established development review process with outside agencies such as the North Carolina Department of Transportation and other county departments, will ensure that there are no significant adverse impacts on the public health, safety and general welfare, for example, stormwater management; and

WHEREAS, the planning staff recommends that the requested rezoning, as presented, is consistent with the Land Use Plan, reasonable, and otherwise advances the public health, safety, and general welfare as outlined in the draft statement; and

WHEREAS, on December 5, 2018, the Wake County Planning Board voted 7-0 to recommend to the Board of Commissioners that the proposed zoning map amendment, as presented, is consistent with the Land Use Plan, reasonable, and in the public interest as further described in the minutes of their meeting; and

WHEREAS, the Wake County Board of Commissioners held a duly-noticed public hearing on January 22, 2019 to consider adopting the staff's draft statement of consistency, reasonableness, and public interest regarding the requested zoning map amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE WAKE COUNTY BOARD OF COMMISSIONERS:

### **SECTION I**

The requested rezoning, is found to be consistent with the Land Use Plan, reasonable, and in the public interest, and otherwise promotes the public health, safety and general welfare, as outlined in the draft statement.

### **SECTION II**

This statement of consistency, reasonableness, and public interest, is hereby adopted.

Commissioner \_\_\_\_\_ made a motion that the above ordinance be adopted. Commissioner \_\_\_\_\_ seconded the motion, and upon vote, the motion carried this 22nd day of January 2019.

This Instrument Approved as to Form

\_\_\_\_\_  
Wake County Attorney

\_\_\_\_\_  
Date